

Honorable Richard Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

NOTICE OF DEPOSITION UPON
ORAL EXAMINATION OF
KYLE LYDELL CANTY

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE That the testimony of
the witness named above will be taken upon oral examination at the request of Defendant State
of Washington.

Date: Thursday, September 14, 2017

Time: 1 p.m.

Location: Shelton Correctional Center
2321 W. Dayton Airport Road
Shelton, WA 98584
360-426-4433


Reporter: Dixie Cattell & Associates, Notary Public, 360-352-2506, or some other Notary
Public

NOTICE OF DEPOSITION UPON
ORAL EXAMINATION OF
KYLE LYDELL CANTY
NO. 2:16-CV-01655-RAJ-JPD

Fredmund Jackson & Tardif, PLLC
701 5th Avenue, Suite 3545
Seattle, WA 98104
Tel: 206-464-7352
Fax: 206-466-6085

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3 The deposition shall be taken pursuant to Federal Rules of Civil Procedure and shall be
4 subject to continuance until completed.

5 DATED this 6th day of September, 2017.

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8 GREGORY E. JACKSON, WSBA #17541
9 Freimund Jackson & Tardif, PLLC
701 5th Avenue, Suite 3545
Seattle, WA 98104
Telephone: (206) 582-6001
Facsimile: (206) 466-6085
gregj@fjlaw.com
Attorneys for Defendants City of Seattle,
Officer Marshall Coolidge, Sean Culbertson,
Timothy Renihan and Officer Hancock

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ORAL EXAMINATION OF
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1 **CERTIFICATE OF SERVICE**

2 I certify that on the 6 day of September, 2017, I caused a true and correct copy of
3 this document to be served on the following in the manner indicated below:

4
5 Kyle Lydell Canty, Inmate No. 401358
6 c/o Washington State Corrections Center
7 2331 West Dayton Airport Road
8 Shelton, WA 98584

(X) Hand Delivered

9 DATED this 6 day of September, 2017, in Seattle, Washington.

10 *Forrest Buckle*
11 Representative Providing Service
12 *Forrest Buckle*
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NOTICE OF DEPOSITION UPON
ORAL EXAMINATION OF
KYLE LYDELL CANTY
NO. 2:16-CV-01655-RAJ-MD

Frehmund Jackson & Tardiff, PLLC
701 5th Avenue, Suite 3845
Seattle, WA 98104
Tel: 206-464-7352
Fax: 206-466-6085

Honorable Richard Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

SUBPOENA TO:
KYLE LYDELL CANTY

GREETINGS TO:

Kyle Lydell Canty, Inmate No. 401358
c/o Washington State Corrections Center
2331 West Dayton Airport Road
Shelton, WA 98584

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case, said method of recording the testimony to be by a:

☒ Court Reporter via stenography ☐ Videographer

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. CR 30(b)(6).

SUBPOENA TO KYLE LYDELL CANTY
NO. 2:16-CV-01655-RAJ-JPD

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Seattle, WA 98104
Tel: 206-464-7352
Fax: 206-466-6085

1 PLACE OF DEPOSITION	DATE AND TIME
2 Washington State Corrections Center	Thursday, September 14, 2017
3 2331 West Dayton Airport Road	1 p.m.
4 Shelton, WA 98584	

5 ☐ YOU ARE COMMANDED to produce the following documents or tangible things at
6 the place, date, and time specified below:

7 PLACE	DATE AND TIME
8	

9 ISSUING OFFICER SIGNATURE AND TITLE:	DATE
10 <i>Amie Wilson #34613</i>	<i>September 14, 2017</i>

11 ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER:

12 GREGORY E. JACKSON
13 Fremund, Jackson & Tardif, PLLC
14 701 Fifth Avenue, Suite 3545
15 Seattle, WA 98104
16 (206) 582-6001

17 PROOF OF SERVICE

18 NAME OF PERSON SERVED	19 MANNER OF SERVICE
20 Kyle Lydell Canty, Inmate No. 401358 21 c/o Washington State Corrections Center 22 2331 West Dayton Airport Road 23 Shelton, WA 98584	24 Served via Washington State Department of 25 Corrections 26 <i>9-6-17</i>

27 PLACE OF SERVICE	28 DATE OF SERVICE
29 Washington State Corrections Center 30 2331 West Dayton Airport Road 31 Shelton, WA 98584	
32 <i>Forrest Bulka New</i>	<i>Correctional Records Tech I</i>
33 SERVED BY	34 TITLE OF PERSON SERVING

35 SUBPOENA TO KYLE LYDELL CANTY
36 NO. 2:16-CV-01655-RAJ-JPD

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Seattle, WA 98104
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Washington that I am a suitable person over the age of 18, that the foregoing information contained in the Proof of Service is true and correct.

EXECUTED ON THE DATE OF	PLACE
SIGNATURE OF SERVER	
PRINTED NAME AND ADDRESS OF SERVER	PHONE

Pursuant to CR 45, Sections (c) & (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies;

or

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1 (iv) subjects a person to undue burden, provided that, the court may condition denial of the motion
2 upon a requirement that the subpoenaing party advance the reasonable cost of producing the books,
papers, documents, or tangible things.

3 (B) If a subpoena

4 (i) requires disclosure of a trade secret or other confidential research, development, or commercial
information, or

5 (ii) requires disclosure of an unretained expert's opinion or information not describing specific
6 events or occurrences in dispute and resulting from the expert's study made not at the request of any
party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the
7 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the
testimony or material that cannot be otherwise met without undue hardship and assures that the person
to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or
8 production only upon specified conditions.

9 (d) Duties in Responding to Subpoena.

10 (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the
usual course of business or shall organize and label them to correspond with the categories in the
11 demand.

12 (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to
protection as trial preparation materials, the claim shall be made expressly and shall be supported by a
13 description of the nature of the documents, communications, or things not produced that is sufficient to
enable the demanding party to contest the claim.

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